



Illinois Department of Natural Resources

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Pat Quinn, Governor
Marc Miller, Director

June 8, 2012

Bob Mosher
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794-9276

RE: Mississippi Sand Company – Ottawa
Project Number(s) 1215365 [IL0079880]
County: LaSalle

Dear Mr. Mosher:

This letter is in reference to the proposed action—the issuance of a National Pollutant Discharge Elimination System (NPDES) permit—recently submitted for consultation. The natural resource review provided by EcoCAT (attached) identified protected resources which may be in the vicinity of the proposed action. The Department issued an earlier evaluation, dated June 5, 2012, which stated an incorrect conclusion regarding the potential for adverse effects. Please disregard the earlier transmission and substitute this letter.

EcoCAT identified three Illinois Natural Areas Inventory (INAI) Sites within one mile of the proposed action: Catlin Salt Marsh INAI, located to the east; Starved Rock East INAI Site, located to the west; and Ernat's Marsh INAI Site, which lies partly within the polygon submitted to EcoCAT.

Catlin Salt Marsh INAI is synonymous with the Catlin Salt Marsh Natural Heritage Landmark. It is the opinion of the Department there is no plausible hydrologic vector for adverse effect to the Catlin Salt Marsh INAI related to the proposed action. Therefore, the Catlin Salt Marsh INAI is not “in the vicinity” of the proposed action and will not be adversely modified.

Starved Rock East INAI Site lies west and downstream of the proposed action, receiving drainage from the area of the proposed action via an unnamed intermittent tributary of Horseshoe Creek and Horseshoe Creek, itself. All of the Starved Rock East INAI Site lies within Starved Rock State Park; any NPDES discharge point located upstream of the Park boundary has some potential to adversely modify the INAI Site. However, the natural resource features which place this Site on the Inventory consist of an unusual concentration of State-listed endangered or threatened vascular plants, each of which is a terrestrial plant which is not dependent upon water quality, and thus would not be adversely affected by potential changes in water quality. Moreover, only a small segment of the INAI Site is adjacent to the short segment of Horseshoe Creek which lies within the Park prior to its confluence with the Illinois River. An unregulated discharge might possibly degrade water quality within this stream segment, but a regulated discharge which meets general water quality standards would not do so. Because existing and

former agricultural operations in the proposed action area are not regulated pursuant to NPDES, their replacement with a regulated discharge may actually improve the quality of receiving waters within the boundaries of the INAI Site.

Because there is no hydrologic connection between the proposed action and the qualifying natural resource features of the Starved Rock East INAI Site, this Site is not “in the vicinity” of the proposed action as defined in Title 17 Part 1075 of the Department’s Administrative Rules, and will not be adversely modified by the proposed action.

Ernat’s Marsh INAI Site lies partly within the polygon submitted for consultation, as well as to the west and south. It is thus “in the vicinity” of the proposed action.

Ernat’s Marsh is a salt marsh—a rare wetland community in Illinois—lying at the foot of the bluffs, fed by seeps and springs which produce highly-mineralized ground water; this feature is responsible for the “salt marsh” designation which supports its inclusion on the Inventory as a Category I (natural community) Site. Its quality is not high, most of its area ranking only as a Grade D Salt Marsh, with a small area of Grade C quality, but the rarity of salt marshes in this physiogeographic region warrants its inclusion on the Inventory, since better examples are lacking.

Originally, Ernat’s Marsh also carried a Category II designation (essential habitat for endangered or threatened species) due to the presence of two listed plants when the Site was first nominated. However, although still present, these species (Swamp Rose Mallow, *Hibiscus palustris*; and Alkali Bulrush, *Scirpus paludosus*) have since been de-listed by the Illinois Endangered Species Protection Board, and no other listed species have been documented from this Site. Consequently, the consultation focus is on the Salt Marsh community designation.

Ernat’s Marsh is bounded on its north side by a channelized intermittent stream which drains both the floodplain to the north and east and the uplands to the east and south. During high flow events, this ditch places the Marsh in contact with other surface waters, potentially reducing the mineral content of Marsh waters. The former land owners appear to have made repeated attempts to drain this property, unsuccessfully; Ernat’s Marsh has not received any natural area management since its placement on the Inventory.

Other wetlands in the vicinity are largely ephemeral farmed wetlands, strongly suggesting the presence of an aquitard beneath Ernat’s Marsh which is a key to its character. Should a cone of depression develop as a result of proposed mining to the north, it is our opinion such a cone is unlikely to adversely affect hydration of the Marsh due to the likely presence of the local aquitard and the constant water supply from the south.

It is the biological opinion of the Department that, should a discharge point be placed upstream or adjacent to Ernat’s Marsh, it is likely to adversely modify the water quality in the Marsh by diluting its mineral content. The Department recommends the point of discharge be located downstream of the Ernat’s Marsh INAI Site to avoid this possibility. We have attached a map of the vicinity illustrating the delineated boundary of the Ernat’s Marsh INAI Site to facilitate selection of a discharge point which will accomplish this objective.

This consultation is valid for two years unless new information becomes available which was not previously considered; the proposed action is modified; or additional species, essential habitats, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action. Please contact me if you have questions regarding this review.

Sincerely,

A handwritten signature in black ink that reads "Keith M. Shank". The signature is written in a cursive, flowing style.

Keith M. Shank
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